

AG Contract No. KR95 1069TRN
ADOT ECS File No. JPA 95-89
Project: MVD CDL Testing Site
Section: Skyline Park

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF HOLBROOK

THIS AGREEMENT is entered into 5 September, 1995,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF HOLBROOK, acting by and through its MAYOR and CITY
COUNCIL (the "City").

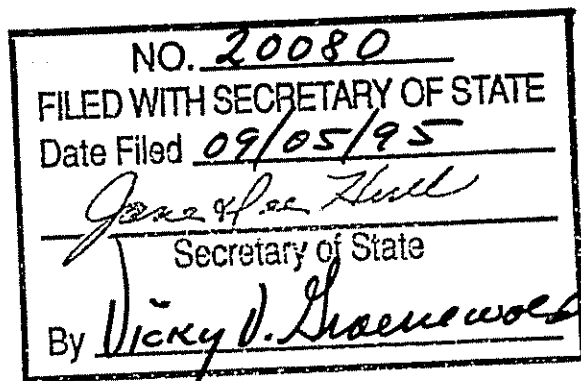
I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. Incident to the State's Commercial Drivers License
(CDL) testing requirement, the City has offered, at no charge
to the State, the municipal property formerly known as Skyline
Park, which is bounded by Mission Lane, Hutchinson Street and
the Air Force Radar Site as an appropriate site for the State
to conduct the testing.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:



II. SCOPE

1. The City will:

a. Set aside sufficient area within the park for the State's use as a CDL test site.

b. Cooperate with the State in traffic control and signing in the surrounding area to insure commercial traffic to and from the site remains on allowable streets.

2. The State will:

a. Confer with and obtain City approval relating to any necessary site improvements to be accomplished by the State required by the testing mission, such as paving, striping, barricading, etc.

b. Make every effort to avoid disruption or damage to municipal property. Be responsible for damage to municipal property attributable to the CDL testing.

c. Cooperate with the City in traffic control and signing in the surrounding area to insure CDL traffic to and from the site remains on allowable streets, and more particularly, that CDL traffic to and from the CDL site does not utilize Mission Lane.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until cancelled by either party upon 90 days written notification, or other competent authority.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6.. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:


Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Holbrook
City Manager
Box 70
Holbrook, AZ 86025

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF HOLBROOK


By 
RICHARD MESTER
Mayor

STATE OF ARIZONA

Department of Transportation

By 
RUSSELL PEARCE, Director
Motor Vehicle Division

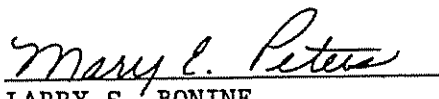
ATTEST

By 
FERN LARSON
City Clerk

RESOLUTION

BE IT RESOLVED on this 25th day of May 1995, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through Deputy Director, to enter into an agreement with the City of Holbrook to define responsibilities for the State to operate a commercial drivers license testing facility at Skyline Park in the City.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted to the Director, Motor Vehicle Division for approval and execution.

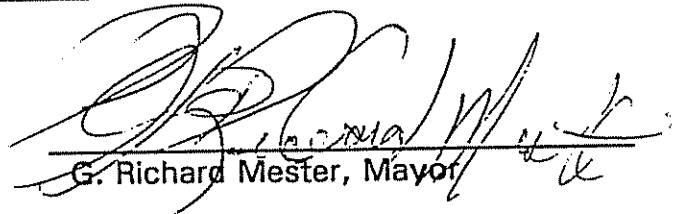

for LARRY S. BONINE
Director

RESOLUTION NO. 95-6

A RESOLUTION OF THE CITY OF HOLBROOK, NAVAJO COUNTY, ARIZONA, AUTHORIZING AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION CONCERNING USE OF CITY PROPERTY FOR A DRIVE TEST LOT.

BE IT RESOLVED by the Mayor and Common Council of the City of Holbrook, Arizona, that the Amendment to the Intergovernmental Agreement with the Arizona Department of Transportation, attached hereto and incorporated herein by reference, shall be executed by the Mayor on behalf of the City of Holbrook.

PASSED AND ADOPTED by the Mayor and Common Council of the City of Holbrook, Arizona this 11th day of July, 1995.



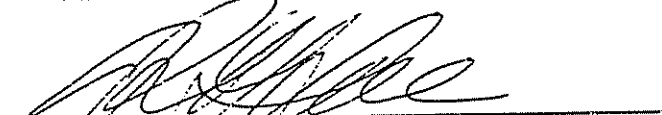
G. Richard Mester, Mayor

ATTEST:



Fern E. Larson, City Clerk

APPROVED AS TO FORM:

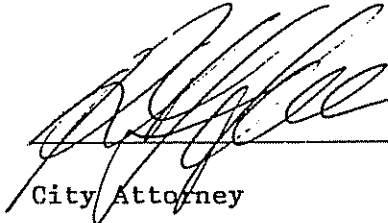


R. John Lee, City Attorney

APPROVAL OF THE HOLBROOK CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF HOLBROOK and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 11 day of July, 1995.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085

GRANT WOODS
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR95-1069-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 27th day of August, 1995.

GRANT WOODS
Attorney General

A handwritten signature in cursive script, reading "James R. Redpath".

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:lsr
8918G/81